

**Information from other states on audio and/or visual recordings of parole ,
revocation, and rescission hearings .**

Feb. 3rd, 2014

1. OHIO:

In Ohio, the only hearings where audio recordings are our revocation hearings. We retain the recording for 2 years. They are not available to the public as parole records are not public records in Ohio. We only provide a copy when we receive a subpoena.

2. FLORIDA: In Florida, Board members do not interview offenders. That is done by staff, called examiners. These interviews are recorded. A summary of the interview is prepared for Board Staff. Florida's answers are in red.

We would like to know if you do record hearings by audio means? **YES** – Revocation proceedings and public Commission hearings (votes) are audio recorded.

Do you make visual recordings? **NO**

Are they available to the public? **YES**

What is your storage retention time?

Audio Recordings:

- **60-month retention on Conditional Release, Addiction Recovery and Control Release cases. The audio recordings are original records. Thus, permission must be obtained from Administration in order to destroy the recordings. Only those recordings in which five (5) years or more have elapsed since the Final Commission action are subject to destruction. All recordings to be destroyed shall be listed on the Hearing Recording Disposal Form and submitted along with a completed Records Disposition Request form.**
- **Permanent retention on Parole and Conditional Medical Release cases. This includes the Mutual Participation Program and rescission hearings.**

Do you have policy and procedures regarding the recordings and release of those recordings. **YES**

3. Nevada.

All release and revocation hearings in Nevada are recorded. The only cases which we do not record are inmates who are granted without a hearing (not recorded because there is no hearing). Nevada has a provision in law that states if the parole guideline recommends release (and there isn't a victim registered for a hearing notification or an objection by law enforcement) we can grant parole without a hearing. We can not deny parole without allowing an inmate to testify at a hearing.

Release hearings are conducted via video conference from our parole offices into the prison where the inmate is housed. We record both video and audio using For The Record meeting recording software.

Violation hearings are conducted in person at the prison institution (since they may be evidentiary). These hearings are audio recorded using For the Record meeting recording software.

The video and audio recordings are stored for two years after the discharge from prison or parole (so some never are disposed of since they may be lifers).

All our meeting recordings are available to the public.

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4. Minnesota:

Our Parole Hearings are private, non-public and we digitally record and store them electronically. Hearings are conducted via video conference with the inmate, although we don't retain a visual recording of the video. However, we only conduct parole hearings on our Life Sentenced population eligible for parole after serving their mandatory minimums [17 years pre-1989/30 years post-1989]. All other sentences are determinate in nature with a mandatory release date with accompanying supervision; 2/3 of sentence in prison; 1/3 on Supervised Release.

The audio recording is available to the offender at a cost of \$2.50 from their inmate account and is sent to their Facility Case Manager who, then, arranges for them to listen to the recording, since they cannot retain it as personal property nor send it out from the facility to a third party. If an inmate wants the audio CD to be sent outside of prison to a third party, we will do that, again at a cost of \$2.50; however, the third party has to, first, make a formal request through Letter/email for the audio recording and send it to us along with a signed release from the inmate. This verifies the inmates desire for the third party to receive and verifies that the third party, indeed, wants to receive the recording.

The main purpose for recording is to make a record for the development of a Disposition Letter from the Commissioner to the inmate outlining what transpired at the hearing and the ultimate disposition. We aren't required to record and, at this time, we are considering whether or not to cease doing so, since the requests are becoming very routine and sometimes long after-the-fact. We don't have a retention schedule and that's another reason to cease recording. The recording is very helpful; however, in transcribing the Disposition Letter, which is a function I perform under the Commissioner's signature.

5. OREGON:

In Oregon we audio record all our parole hearings. The recording is available to the public under Oregon Public Records Law. When it is requested, we put the audio on a CD and provide with a minimal copy charge. For inmates, I believe we generally release the disc to the law library in the institution, so the inmate can listen to it in a secure location.

We officially have a 4 year retention on audio recordings, however we have generally retained them for much longer. They are saved digitally and according to my staff we have not destroyed any in a long time.

6. WASHINGTON:

The Washington State Indeterminate Sentence Review Board (ISRB) makes audio recordings of all our hearings – both parole and revocation. They are maintained for 12 months, although in some cases they are retained longer due to public disclosure requests, lawsuits, etc. We don't have a current policy on our records retention schedule. [The ISRB was merged into the Dept of Corrections effective 7-1-11, however, due to reduced staffing at the Board, there are a number of issues, like updated Board specific policies, that we haven't addressed to date.]

A copy of the hearing is offered to the offender upon their written request – this is explained to them at the beginning of their hearing. For offenders, the hearing is sent on a CD that can only be played in the prison law libraries. Our recordings and findings are publically disclosable per our Public Disclosure Act statutes. Any discussion of specific medical or mental health information or victim names are redacted from any recording that is disclosed. Our most frequent requests for hearing recordings are from victims/survivors, offenders and their attorneys. Occasionally the media requests a copy.

We don't have a policy, per se, in regards to recordings, but it's in our administrative code as follows.

WAC 381-50-180

Hearing record preservation.

There will be a recording made of all hearings conducted under the provisions of this chapter. Such recordings shall be preserved at the offices of the board in Olympia for not less than six months subsequent to the hearing. Parties requesting partial or total duplication of any hearing must request such

recordings pursuant to the Public Disclosure Act and reimburse the board for the costs involved in such a procedure.

[99-07-081, § 381-50-180, filed 3/18/99, effective 3/15/99; WSR 92-22-008 § 381-50-180, filed 10/21/92, effective 10/19/92; WSR 91-14-029, § 381-50-180, filed 6/26/91, effective 7/27/91.]

7. VIRGINIA:

Virginia does not record hearings.

8. WISCONSIN:

Wisconsin uses digital audio recording of each parole interview. We do not create visual recordings. In cases where we conduct the interview via video conferencing- the review is still documented with a audio recording. The recordings are kept for 6 months, and then deleted. This is done in accordance with the Parole Commission's Handbook.

The inmate may purchase a copy of his/her own recording. In Wisconsin victims are able to attend the Parole interviews. When a victim has attended, they are also able to purchase a copy of the recording.

9. MICHIGAN:

Michigan does not record their parole hearings. A transcript is made of Pardon and Commutation hearings and those are kept for decades.

10. UTAH:

In Utah, we record every hearing digitally. It is uploaded and stored indefinitely on DOC servers. It is a public and open hearing, so anyone could ask for a copy of the hearing. If the person requesting a copy of the audio recording wants it on CD, we charge \$10 for the cost of the CD and time to burn the CD. If the person is willing to have a copy of the recording e-mailed to them in mp3/mp4 format, we provide it at no cost.

11. ARKANSAS:

The Arkansas Parole Board does not make any audio or video recordings of our parole hearings.